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JESUS RODRIGUEZ

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. 2:04-cr-0387-MCE
	)	
Plaintiff,	)	
	)	STIPULATION TO VACATE TRIAL
v.	)	DATE, RESET DATE FOR STATUS
	)	CONFERENCE, AND EXCLUDE
JESUS RODRIGUEZ,	)	TIME UNDER SPEEDY TRIAL ACT
	)	Date: February 20, 2007
Defendant.	)	Time: 8:30 A.M.
	)	Judge: Hon. Morrison C. England

IT IS HEREBY STIPULATED AND AGREED between the defendant, Jesus Rodriguez, and the United States of America, through defense counsel, Bruce Locke and Assistant U.S. Attorney Phillip Talbert, that the trial date set for March 7, 2007 should be vacated and that the Trial Confirmation Hearing currently set for February 20, 2007 at 8:30 a.m., should be reset as the date for a Status Conference concerning further scheduling for this case.

This case was set for trial to begin on March 7, 2007 and for a Trial Confirmation Hearing on February 20, 2007. The charges involve the sale of methamphetamine to a government informant. The defense was to be that the government informants entrapped the defendant into selling the drugs to the informant. However, on January 18, 2007 the Government advised defense counsel that it had recently entered into cooperation agreements with two other defendants in a related cases and that those two defendants would testify that they purchased drugs from Mr. Rodriguez prior to the time that he was approached by the Government's informants. This information drastically changes all of the issues for the Defense. As of January 30, 2007, the

1 Defense has not yet received the discovery related to these two new witnesses. Upon receipt of that  
2 discovery, the Defense will have to conduct further investigation concerning the new witnesses and  
3 their anticipated testimony. That investigation may entail obtaining the phone records of the two  
4 new witnesses. After that investigation is completed, the Defense will have to reconsider the  
5 alternatives to trial and it may be necessary to enter into negotiations with the Government. For all  
6 of these reasons, the Defense could not be ready for trial on March 7, 2007. The Government does  
7 not want to pressure the Defense to trial before the Defense is ready, but the Government is  
8 interested in moving the case forward at a reasonable pace. For that reason, both the Defense and  
9 the Government have agreed to use the date set for the Trial Confirmation Hearing as the date for  
10 a Status Conference to see if the Defense will have a better understanding at that date of the time that  
11 it needs to properly prepare the case. Both parties anticipate that the Defense will have had an  
12 opportunity to review the new discovery by that date.

13 For the foregoing reasons, the parties request that the Court vacate the Trial Date and reset  
14 February 20, 2007 at 8:30 a.m., as a Status Conference for further scheduling and also request the  
15 Court to exclude time under the Speedy Trial Act from the date this Order is signed to February 20,  
16 2007 to allow for defense preparation and because the ends of justice outweigh the best interest of  
17 the public and the defendant in a speedy trial. Mr. Talbert has authorized Mr. Locke to sign his  
18 name to this Stipulation and Order.

19  
20 DATED: January 31, 2007

/S/  
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BRUCE LOCKE  
Attorney for Mr. Jesus Rodriguez

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1 DATED: January 31, 2007

/S/ BRUCE LOCKE  
for PHILLIP TALBERT  
Assistant U.S. Attorney

3 IT IS SO ORDERED.

5 Dated: February 2, 2007

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE